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Attorney for: Defendant Derek Malone

E-FILED - 7/25/12

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DEREK MALONE,

Defendant

No. CR 11-0657

**STIPULATION AND []
ORDER CONTINUING STATUS
CONFERENCE**

The parties stipulate, and request that the court Order, the following:

1. This matter is currently set for a status conference on July 26, 2012 at 9:00 A.M. By this stipulation, the parties are jointly requesting that the hearing be moved to August 9, 2012 at 10:00 AM. This request only applies to Mr. Malone and not to his co-defendant in this case, Ms. Rachelle Epperheimer.

2. Counsel for Mr. Malone is set to begin a felony jury trial in Santa Cruz County on July 30, 2012. (People v. Nottoli, F18756.) Trial confirmation is set for July

1 26 at 9:00. It does not appear that this case will resolve and I am informed that all parties
2 are ready to proceed to trial as set.

3
4 3. Besides the scheduling conflict described above, discovery is ongoing and
5 additional time is necessary to complete the discovery process. Mr. Malone is a fairly
6 recent addition to this case and made his first appearance before this court on June 28,
7 2012.

8
9 4. For the above reason, the parties jointly request that the status conference
10 hearing set for July 26 be vacated, and that the hearing be continued to August 9, 2012 at
11 10:00 AM, and that the time between July 26 and August 8, 2012 be excluded from the
12 speedy trial act for continuity and the effective preparation of counsel.
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15 Respectfully submitted,

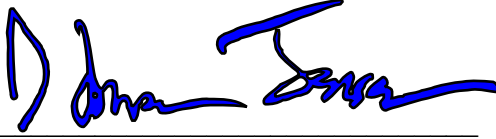
16
17 Dated: July 23, 2012

18 By: _____/s/_____
19 PETER A. LEEMING,
20 Attorney for DEREK MALONE

21
22 _____/s/ Grant Fondo,
23 Grant Fondo,
24 Assistant U.S. Attorney

25 IT IS SO ORDERED.

26 DATED: 7/24/12

27 
28 Hon. D. Lowell Jensen
United States District Judge